

U.S. Application. No. 09/920,376  
Reply to Office Action dated August 23, 2005

PATENT  
450100-03439

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-7, 9-15 and 17 are pending in this application. Claims 1-7, 9-15 and 17 have been amended, therefore the claim objections are hereby obviated. Support for this amendment is provided in the Specification, specifically on pages 8-14. Claims 8 and 16 have been canceled without prejudice or disclaimer of subject matter. Claims 1, 9 and 17 are independent. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

#### **II. REJECTIONS UNDER 35 U.S.C. §112**

Claims 3, 6, 11 and 14 were rejected under 35 U.S.C. §112, first paragraph.

Applicants submit that claims 3, 6, 11 and 14 as amended, are in full compliance with 35 U.S.C. §112, first paragraph.

Claims 1-7, 9-15 and 17 were rejected under 35 U.S.C. §112, second paragraph.

Applicants submit that claims 1-7, 9-15 and 17 as amended, are in full compliance with 35 U.S.C. §112, second paragraph.

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Reconsideration and withdrawal of 35 U.S.C. § 112, first and second paragraph rejections are respectfully requested.

### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-7, 9-15 and 17 were rejected under 35 U.S.C. 103 (a) as allegedly unpatentable over U.S. Patent No. 6,148,205 to Cotton (hereinafter, merely "Cotton") in view of U.S. Patent No. 5,463,659 to Nealon et al. (hereinafter, merely "Nealon"), in further view of Executive Council (Executive Council. Fourteenth Session. 2-5 February 1999. pages 1,22) (hereinafter, merely, "Executive Council").

Claim 1 recites, *inter alia*:

"An authenticating method for portable radio devices...

performing mutual authentication between two or more portable radio devices by said authenticating means automatically when the coverage area of the two or more portable radio devices overlap;

preventing communication with an unintentional portable radio device by narrowing the coverage area of the two or more portable radio devices to be mutually authenticated before authentication initiates based on the proximity of the two or more portable radio devices; and

specifying other devices to be mutually authenticated when the two or more portable radio devices are within a predetermined range of each other over said second coverage area." (emphasis added)

As understood by Applicants, Cotton relates to secure registration of an access device within an in-home wireless network. The procedure of the registration and authentication entails reducing RF power of one of the devices to be authenticated, transmitting registration initiation message and reducing RF power of the other device if approved. The authentication is performed between a fixed base station and the access device where one is an active device, and

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the other is a passive device. The passive device has to wait for a registration initiation message to enter "the authentication mode" (i.e., at a low RF power level).

As understood by Applicants, Nealon relates to a cordless telephone having a plurality of portable units arranged for communication with a base unit in a frequency hopping system. The base unit pseudo randomly selects from a plurality of communication channels available a different starting channel for each one of the portable units. During a frequency hopping cycle, the portable unit and base unit both generate a set of communication channels from the starting channel assigned to the portable unit for subsequent use in communication over a radio frequency line in order to maintain communication.

As understood by Applicants, Executive Council relates to a list new of inspection equipment and revised specification for approved inspection equipment. Additions and modified equipment are based on improvements to ensure health and safety of inspection teams, improvements to logistics and administration during inspections and the inclusion of on-site monitoring equipment that would reduce the costs of verification. Technical specifications include that a base station must operate on a wide range of voltages and be able to operate in the VHF and UHF frequency band systems. The base station aids logistics with short-range communications and must comply with local regulations in relation to radio communication.

Applicants submit that Cotton, Nealon and Executive Council, taken alone or in combination, fail to teach or suggest the above features of claim 1. Specifically, Applicants respectfully submit that there is no teaching or suggestion of performing mutual authentication between two or more portable radio devices by said authenticating means automatically when the coverage area of the two or more portable radio devices overlap and preventing communication with an unintentional portable radio device by narrowing the coverage area of the two or more

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portable radio devices to be mutually authenticated before authentication initiates based on the proximity of the two or more portable radio devices, which entails specifying other devices to be mutually authenticated when the two or more portable radio devices are within a predetermined range of each other over said second coverage area, as recited in claim 1.

Therefore, Applicants submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, amended independent claims 9 and 17 are also believed to be patentable.

Therefore, independent claims 1, 9 and 17 are patentable.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

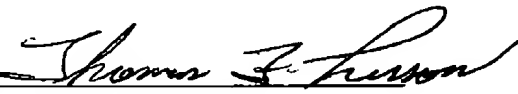
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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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